

PD4 Exh 17

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Page 1

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL)	
PRESCRIPTION)	MDL No. 2804
OPIATE LITIGATION)	
_____)	Case No.
)	1:17-MD-2804
)	
THIS DOCUMENT RELATES)	Hon. Dan A.
TO ALL CASES)	Polster

FRIDAY, JUNE 28, 2019

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Videotaped deposition of Ronald
W. Buzzeo, R.Ph., held at the offices of Williams
Mullen, 200 South 10th Street, Suite 1600,
Richmond, Virginia, commencing at 9:08 a.m.,
on the above date, before Carrie A. Campbell,
Registered Diplomate Reporter and Certified
Realtime Reporter.

- - -

GOLKOW LITIGATION SERVICES
877.370.3377 ph | 917.591.5672 fax
deps@golkow.com

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<p>1 APPEARANCES:</p> <p>2 KELLER ROHRBACK LLP</p> <p>3 BY: DEREK W. LOESER</p> <p>4 dloeser@kellerrohrback.com</p> <p>5 DAVID J. KO</p> <p>6 dko@kellerrohrback.com</p> <p>7 DEAN KAWAMOTO</p> <p>8 dkawamoto@kellerrohrback.com</p> <p>9 1201 Third Avenue, Suite 3200</p> <p>10 Seattle, Washington 98101</p> <p>11 (206) 623-1900</p> <p>12 SIMMONS HANLY CONROY LLC</p> <p>13 BY: JAYNE CONROY</p> <p>14 jconroy@simmonsfirm.com</p> <p>15 LAURA FITZPATRICK</p> <p>16 lfitzpatrick@simmonsfirm.com</p> <p>17 (VIA REALTIME STREAM)</p> <p>18 SANFORD SMOKLER</p> <p>19 (VIA REALTIME STREAM)</p> <p>20 112 Madison Avenue, Seventh Floor</p> <p>21 New York, New York 10016</p> <p>22 (212) 784-6400</p> <p>23 WEISMAN KENNEDY & BERRIS CO., L.P.A.</p> <p>24 BY: DANIEL P. GOETZ</p> <p>25 dgoetz@weismanlaw.com</p> <p>(VIA REALTIME STREAM)</p> <p>101 West Prospect Avenue</p> <p>Cleveland, Ohio 44115</p> <p>(216) 781-1111</p> <p>Counsel for Plaintiffs</p> <p>NAPOLI SHKOLNIK, PLLC</p> <p>BY: HUNTER J. SHKOLNIK</p> <p>hunter@napolilaw.com</p> <p>(VIA TELECONFERENCE)</p> <p>360 Lexington Avenue, 11th Floor</p> <p>New York, New York 10017</p> <p>(212) 397-1000</p> <p>Counsel for Cuyahoga County</p>	<p>1 KIRKLAND & ELLIS LLP</p> <p>2 BY: CATIE VENTURA</p> <p>3 catie.ventura@kirkland.com</p> <p>4 1301 Pennsylvania Avenue, N.W.</p> <p>5 Washington, DC 20004</p> <p>6 (202) 389-5000</p> <p>7 Counsel for Allergan Finance, LLC</p> <p>8 O'MELVENY & MYERS LLP</p> <p>9 BY: ZHAO LIU</p> <p>10 zliu@omm.com</p> <p>11 1625 Eye Street, NW</p> <p>12 Washington, DC 20006</p> <p>13 (202) 383-5300</p> <p>14 Counsel for Johnson & Johnson and</p> <p>15 Janssen</p> <p>16 LOCKE LORD LLP</p> <p>17 BY: BRANDAN MONTMINY</p> <p>18 brandan.montminy@lockelord.com</p> <p>19 2200 Ross Avenue, Suite 2800</p> <p>20 Dallas, Texas 75201</p> <p>21 (214) 740-8445</p> <p>22 Counsel for Henry Schein, Inc., and</p> <p>23 Henry Schein Medical Systems, Inc.</p> <p>24 JONES DAY</p> <p>25 BY: TARA A. FUMERTON</p> <p>tfumerton@jonesday.com</p> <p>(VIA TELECONFERENCE)</p> <p>77 West Wacker</p> <p>Chicago, Illinois 60601-1692</p> <p>(312) 782-3939</p> <p>Counsel for Walmart</p> <p>COVINGTON & BURLING LLP</p> <p>BY: ALISON DICIURCIO</p> <p>(VIA TELECONFERENCE)</p> <p>ALEXANDRIA WIDAS</p> <p>awidas@cov.com</p> <p>(VIA REALTIME STREAM)</p> <p>850 Tenth Street, NW</p> <p>Washington, DC 20001-4956</p> <p>(202) 662-6000</p> <p>Counsel for McKesson Corporation</p>
Page 3	Page 5
<p>1 ROPES & GRAY LLP</p> <p>2 BY: WILLIAM DAVISON</p> <p>3 william.davison@ropesgray.com</p> <p>4 ANDREW O'CONNOR</p> <p>5 andrew.o'connor@ropesgray.com</p> <p>6 CASSANDRA A. LARUSSA</p> <p>7 cassandra.larussa@ropesgray.com</p> <p>8 800 Boylston Street</p> <p>9 Boston, Massachusetts 02199-3600</p> <p>10 (617) 951-7000</p> <p>11 Counsel for Mallinckrodt & SpecGx</p> <p>12 WILLIAMS & CONNOLLY LLP</p> <p>13 BY: JENNIFER G. WICHT</p> <p>14 jwicht@wc.com</p> <p>15 725 Twelfth Street, N.W.</p> <p>16 Washington, DC 20005</p> <p>17 (202) 434-5331</p> <p>18 Counsel for Cardinal Health, Inc.</p> <p>19 DECHERT LLP</p> <p>20 BY: ERIK W. SNAPP</p> <p>21 erik.sapp@dechert.com</p> <p>22 35 West Wacker Drive, Suite 3400</p> <p>23 Chicago, Illinois 60601</p> <p>24 (312) 646-5800</p> <p>25 Counsel for Purdue Pharma</p> <p>ZUCKERMAN SPAEDER LLP</p> <p>BY: PAUL B. HYNES, JR.</p> <p>phynes@zuckerman.com</p> <p>1800 M Street NW, Suite 1000</p> <p>Washington, DC 20036-5807</p> <p>(202) 778-1800</p> <p>Counsel for CVS Indiana, LLC, and</p> <p>CVS RX Services, Inc.</p> <p>MARCUS & SHAPIRA LLP</p> <p>BY: DARLENE M. NOWAK</p> <p>nowak@Marcus-Shapira.com</p> <p>301 Grant Street, 35th Floor</p> <p>Pittsburgh, Pennsylvania 15219-6401</p> <p>(412) 338-4690</p> <p>Counsel for HBC</p>	<p>1 MORGAN, LEWIS & BOCKIUS LLP</p> <p>2 BY: MAUREEN K. BARBER</p> <p>3 maureen.barber@morganlewis.com</p> <p>4 (VIA TELECONFERENCE)</p> <p>5 One Oxford Centre, 32nd Floor</p> <p>6 Pittsburgh, Pennsylvania 15219-6401</p> <p>7 (412) 560-7463</p> <p>8 Counsel for Teva Pharmaceuticals</p> <p>9 USA, Inc., Cephalon, Inc., Watson</p> <p>10 Laboratories, Inc., Actavis LLC,</p> <p>11 Actavis Pharma, Inc., f/k/a Watson</p> <p>12 Pharma, Inc.</p> <p>13 MORGAN, LEWIS & BOCKIUS LLP</p> <p>14 BY: JOHN P. LAVELLE, JR.</p> <p>15 john.lavelle@morganlewis.com</p> <p>16 (VIA TELECONFERENCE)</p> <p>17 1701 Market Street</p> <p>18 Philadelphia, Pennsylvania 19103-2921</p> <p>19 (215) 963-5000</p> <p>20 Counsel for Rite Aid</p> <p>21 FOLEY & LARDNER LLP</p> <p>22 BY: GREGORY N. HEINEN</p> <p>23 gheinen@foley.com</p> <p>24 (VIA TELECONFERENCE)</p> <p>25 777 East Wisconsin Avenue</p> <p>Milwaukee, WI 53202-5306</p> <p>(414) 271-2400</p> <p>Counsel for Anda</p> <p>FOX ROTHSCHILD LLP</p> <p>BY: ZACHARY MARTIN</p> <p>Zmartin@foxrothschild.com</p> <p>(VIA TELECONFERENCE)</p> <p>2700 Kelly Road, Suite 300</p> <p>Warrington, Pennsylvania 18976-3624</p> <p>(215) 345-7500</p> <p>Counsel for Prescription Supply, Inc.</p>

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<p>1 BARNES & THORNBURG LLP 2 BY: ALYSSA C. HUGHES 3 ahughes@btlaw.com 4 (VIA TELECONFERENCE) 5 11 South Meridian Street 6 Indianapolis, Indiana 46204-3535 7 (317) 236-1313 8 Counsel for HD Smith</p> <p>9 BAILEY WYANT PLLC 10 BY: JOHN FULLER 11 jfuller@baileywyant.com 12 (VIA REALTIME STREAM) 13 500 Virginia Street East, Suite 600 14 Charleston, West Virginia 25301 15 (304) 345-4222 16 Counsel for West Virginia Board of 17 Pharmacy</p> <p>18 VIDEOGRAPHER: 19 DEVYN MULHOLLAND, 20 Golkow Litigation Services</p> <p>21 ---</p>	<p>1 VIDEOGRAPHER: We are now on 2 the record. 3 My name is Devyn Mulholland. 4 I'm a videographer with Golkow 5 Litigation Services. 6 Today's date is June 28, 2019. 7 The time is 9:08 a.m. 8 This video deposition is being 9 held in Richmond, Virginia in the 10 matter of National Prescription Opiate 11 Litigation. 12 The deponent is Ronald Buzzeo. 13 Counsel, please identify 14 yourselves for the record. 15 MR. LOESER: Derek Loeser for 16 the plaintiffs. 17 MR. KAWAMOTO: Dean Kawamoto 18 for the plaintiffs. 19 MR. KO: David Ko, also on 20 behalf of the plaintiffs. 21 MS. CONROY: Jayne Conroy, 22 plaintiffs. 23 MR. LIU: Zhao Liu, O'Melveny & 24 Myers on behalf of Johnson & Johnson 25 and Janssen.</p>
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<p style="text-align: right;">Page 434</p> <p>1 they had a system in place, and they reported 2 suspicious orders. 3 Q. And the system was effective. 4 Does that mean that it reported all of the 5 suspicious orders? 6 A. It means they reported -- 7 MR. DAVISON: Objection. 8 Go ahead. 9 THE WITNESS: It means they 10 reported suspicious orders. 11 QUESTIONS BY MR. LOESER: 12 Q. So maybe they reported some 13 suspicious orders? 14 A. I didn't say that. You said 15 that. 16 MR. DAVISON: Objection. 17 QUESTIONS BY MR. LOESER: 18 Q. Well, is that your opinion? 19 A. My opinion is they reported 20 suspicious orders. 21 Q. So you don't know whether they 22 reported some or all of the orders? 23 MR. DAVISON: Objection. 24 THE WITNESS: I do know, based 25 upon what I said here. I don't know</p>	<p style="text-align: right;">Page 436</p> <p>1 Q. And so, sir, you did not review 2 the actual orders that Mallinckrodt received 3 in this time period; is that correct? 4 A. No, I did -- not the orders. I 5 looked at the process. 6 Q. And, sir, if you look at 7 paragraph 147 of your report, you state, "It 8 is my opinion that Mallinckrodt's suspicious 9 order monitoring system was sufficient and 10 effective to detect and report suspicious 11 orders to DEA from 2012 through 2018." 12 A. Correct. 13 Q. So are you saying, sir, that 14 Mallinckrodt reported all the suspicious 15 orders that it received in that time period? 16 A. Mallinckrodt's suspicious order 17 monitoring system was sufficient to detect -- 18 was effective to detect and report suspicious 19 orders. They reported the suspicious orders 20 that they identified. 21 Q. Did they report all of the 22 orders? 23 MR. DAVISON: Objection. 24 THE WITNESS: They reported 25 every suspicious order.</p>
<p style="text-align: right;">Page 435</p> <p>1 what else to say. They reported 2 suspicious orders. 3 QUESTIONS BY MR. LOESER: 4 Q. It seems like a simple 5 question. Did they report all of them or 6 some of them? 7 MR. DAVISON: Objection. He's 8 answered your question. 9 THE WITNESS: It is my opinion 10 that Mallinckrodt's suspicious order 11 monitoring system was sufficient and 12 effective, sufficient and effective, 13 to detect and report suspicious orders 14 to the DEA in the 2010-2011 time 15 period. 16 QUESTIONS BY MR. LOESER: 17 Q. In forming this opinion, did 18 you evaluate the orders received and shipped 19 by Mallinckrodt during this time period? 20 A. I evaluated the documents that 21 you're aware of, the depositions, the 22 operating procedures I looked at, reports I 23 looked at, and I came to my decision that 24 Mallinckrodt's program met the regulatory 25 requirements.</p>	<p style="text-align: right;">Page 437</p> <p>1 QUESTIONS BY MR. LOESER: 2 Q. Okay. And how do you define 3 sufficient? 4 A. Based upon my evaluation, the 5 program was able to detect and report 6 excessive orders. 7 Q. And how do you define 8 effective? 9 A. That they were reporting 10 suspicious orders. 11 Q. And in forming this opinion for 12 the 2012 through 2018 time period, did you 13 review any of the orders that Mallinckrodt 14 actually received and shipped? 15 A. When you're looking at the 16 process and the material, you don't have to 17 actually look at orders. Because looking at 18 an individual order or a thousand orders or 19 something is not really going to tell you 20 whether something is suspicious or not. 21 So you're looking at the 22 process. You have the process in place to 23 look at the orders to make a determination. 24 That's what I looked at. I 25 looked at the regulation. I looked at the</p>

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<p style="text-align: right;">Page 438</p> <p>1 guidance letters, industry experience, my 2 experience, to make that determination. 3 Q. If you could turn to 4 paragraph 153 of your report. 5 A. 153, yes. 6 Q. This is your opinion with 7 regard to the McCann and Keller 8 methodologies. 9 Do you see that? 10 A. Yes. 11 Q. And why don't you take a 12 second -- or a minute to review that, and 13 I'll ask you a few questions about that 14 paragraph. 15 A. Yes. 16 Q. Have you had a chance to review 17 that paragraph? 18 A. Yes. Yes. Thank you. 19 Q. In paragraph 153, you claim 20 that the five methodologies utilized by 21 McCann and Keller are pulled from 22 Mr. Rafalski's expert report, and no reason 23 is given as to why any of these methodologies 24 would be appropriate for any particular 25 defendant; is that right?</p>	<p style="text-align: right;">Page 440</p> <p>1 QUESTIONS BY MR. LOESER: 2 Q. Her question is my question. 3 A. Okay. Yeah. I'm saying -- I 4 was waiting if you were going to say anything 5 else. 6 Yes, what I state here. 7 Q. And you've read the Rafalski 8 report? 9 A. Yes. 10 Q. Did you read the entire report? 11 A. Yes. 12 Q. And you read the entire McCann 13 report? 14 A. Yes. 15 Q. And you read the entire Keller 16 report? 17 A. Yes. 18 Q. And you specifically -- 19 according to the footnotes here, you 20 specifically reviewed certain portions of the 21 Rafalski report which you identify as -- in 22 footnotes 199 and 200; is that correct? 23 MR. DAVISON: Objection. 24 THE WITNESS: Yeah, I read the 25 Rafalski report.</p>
<p style="text-align: right;">Page 439</p> <p>1 A. Correct. 2 Q. And you've reviewed each of 3 these methodologies in detail? 4 A. I reviewed the reports. 5 Q. And your testimony is that 6 Mr. Rafalski does not identify why it would 7 be appropriate to utilize any of these 8 methodologies? 9 A. Correct. 10 Q. You also state in paragraph 154 11 that Mr. Rafalski, without any analysis, 12 simply adopts the analyses of both Dr. McCann 13 and Ms. Keller and contends that each of the 14 flagged orders is, in fact, suspicious; is 15 that correct? 16 A. Where are you? Let me read 17 154. 18 Q. Okay. 19 A. Okay. 20 MR. LOESER: So could you read 21 the question back, please? 22 (Court Reporter read back 23 question.) 24 THE WITNESS: You want me to 25 respond to her question or...</p>	<p style="text-align: right;">Page 441</p> <p>1 QUESTIONS BY MR. LOESER: 2 Q. Okay. And so the references to 3 page 40 and 41, what are you saying, that you 4 in fact read the entire report? 5 A. I -- that report I read. 6 Q. And is your opinion about the 7 Rafalski report based upon pages 40 and 41 of 8 his report? 9 MR. DAVISON: Objection. 10 THE WITNESS: Yes. 11 QUESTIONS BY MR. LOESER: 12 Q. Okay. Is it based on any other 13 part of his report? 14 A. I looked at the rest of the 15 report. I don't recall now whether I used 16 some of that or not, but I did read the 17 entire report. And out of that, I pulled out 18 what I thought was important. 19 Q. And you also cite portions of 20 the Keller report and the McCann report; is 21 that correct? 22 A. Yes. 23 Q. And you provide particular page 24 citations for the portions that support your 25 opinion?</p>